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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,765	11/29/2000	Mark W. Bradley	INSTP002	1918

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EXAMINER
NGUYEN, MIKE

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No	Applicant(s)
	09/726,765	BRADLEY, MARK W.
Office Action Summary	Examiner	Art Unit
	Mike Nguyen	2182

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 January 2004*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) *5-20* is/are allowed.
6) ☒ Claim(s) *1-4* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notices & Remarks

1.   Applicant's amendment file on 01/12/2004 in response to Examiner's Office Action has

been reviewed.

2.   Claims 1-20 are pending for the examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Probert, Jr. et al.

(U.S. Pat. No. 6,549,918 B1).

4.   As to claim 1, Probert teaches a translation system for translating between nodes

heterogeneous file systems (see fig. 2), comprising:

a consumer node having a first file system, the consumer node including a driver for

supplementing requests from the first file system to a storage device (see fig. 2 elements 208, 216 col. 7 lines 27-55);

an input/output (I/O) node implementing a second file system (see fig. 2 element 22 col. 7 lines 56-67 and col. 8 lines 1-59) the I/O node including,

a translator layer, the translator layer being configured to map the supplemented requests from the first the first system to the second file system and back to the first file system (see col. 7 lines 56-67 and col. 8 lines 1-16).

5.   As to claim 2, Probert teaches a translation system for translating between nodes having heterogeneous file system as recited in claim 1, wherein the I/O node further comprises,

a message handler, the message handler being configured to interface with the driver so as to filter I/O requests to the translator layer (see fig. 2 element 228 and col. 7 lines 57-62).

6.   As to claim 3, Probert teaches a translation system for translating between nodes having heterogeneous file systems and method, wherein the second file system is a dynamic flat file system, and the translator layer is interfaces between the dynamic flat file system and message handler (see fig. 2 elements 230, 234, 228 and col. 7 lines 56-67 and col. 8 lines 1-16).

7.   As to claim 4, Probert teaches a translation system for translating between nodes having heterogeneous file systems as recited in claim 1, wherein the translator layer is configured to reformat a mounted metadata of the second file system such that the reformatted metadata substantially matches the metadata of the first file system (see col. 9 lines 5-40).

Response to Arguments

8.   In response to the applicant's arguments that "Probert uses same type of component on both nodes to perform the same type of functions. The claimed invention, however, includes two

different components, a driver and a translation layer each of which performs a different function. In the claimed invention, the driver is included in the consumer node, alone, while the translator layer is included in the I/O node. In fact, Probert discloses that if a single filter driver is used, the single filter driver should only be used on the server, as opposed to the claimed invention wherein the driver should only be used on the consumer node". Examiner respectfully disagrees in col. 8 lines 25-35 clearly indicates that if a single conversion is available on only the server node, Probert will use only one filter driver on the server node or I/O node to convert file system. Therefore, the filter driver 216 or the I/O manager on the consumer node must use to route a first file system through the server node to the virtual/physical disks 236 and Probert must teach the filter driver or the I/O manager on the consumer node for supplementing requests from the first file system to the virtual/physical disks and the filter driver on the server node for converting the first file system to the second file system.

Allowable Subject Matter

9.   Claims 5-20 are allowed.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,438,544 B1 (Grimmer et al.)

U.S. Pat. No. 6,351,750 B1 (Duga et al.)
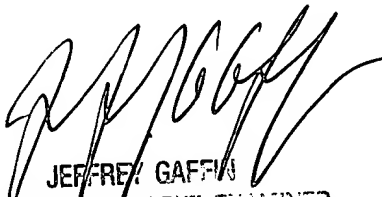
U.S. Pat. No. 6,185,580 B1 (Day, III et al.)

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Nguyen whose telephone number is 703 305-5040. The

examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on 703 308-3301. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Nguyen
Patent Examiner
Group Art Unit 2182

04/09/2004

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100